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Attorneys for Petitioner Hunter Mountain Investment Trust

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:	§	
	§	
HIGHLAND CAPITAL	§	Chapter 11
MANAGEMENT, L.P.	§	
	§	Case No. 19-34054-sgj11
Debtor.	§	

**HUNTER MOUNTAIN INVESTMENT TRUST’S APPLICATION FOR EXPEDITED
HEARING ON EMERGENCY MOTION FOR EXPEDITED DISCOVERY, OR
ALTERNATIVELY, FOR CONTINUANCE OF JUNE 8, 2023 HEARING**

Hunter Mountain Investment Trust (“HMIT”), as Applicant, submits this Application for an Expedited Hearing (“Application for Expedited Hearing”) on its Emergency Motion for Expedited Discovery or, Alternatively, for Continuance of the

June 8, 2023, Hearing (“Motion for Expedited Discovery”).¹ In support of this Application, HMIT states the following:

1. The Motion for Expedited Discovery seeks leave to obtain discovery related to: (1) HMIT’s Motion for Leave to File Adversary Complaint (Doc. 3699) and related Supplement (Doc. 3760) (Docs. 3699 and 3760, collectively “Motion for Leave”); (2) Claim Purchasers Objection to HMIT’s Motion for Leave; (Doc. 3783) (3) Highland Capital Management, L.P., Highland Claimant Trust, and James P. Seery, Jr.’s Joint Opposition to HMIT’s Motion for Leave (Doc. 3780); and Declaration of John A. Morris and the exhibits thereto (Doc. 3784) (“Morris Declaration”) (Objection, Joint Opposition, and Declaration collectively filed by the “Respondents”).

2. The requested discovery is needed in advance of the scheduled evidentiary hearing (“Evidentiary Hearing”) on the Motion for Leave, which is currently scheduled for June 8, 2023. HMIT should have adequate opportunity to conduct discovery in light of the evidentiary format of the June 8, 2023, hearing as ordered by the Court.

3. An expedited hearing is permitted under Fed. R. Bank P. 9006 (c)(1), which authorizes a shortened time for a response and hearing for good cause. For the reasons set forth fully in the Motion for Expedited Discovery, and as set forth herein, HMIT has shown good cause and requests that the Court schedule a hearing on the Motion for

¹ The Motion for Expedited Discovery is being filed contemporaneously with this Application.

Expedited Discovery on Friday, May 26, 2023, or not more than two (2) days' notice and set an appropriate response deadline.

4. Good cause exists because of the fast-approaching June 8, 2023, date for the Evidentiary Hearing. The Respondents' Objections and Joint Opposition, as well as the Morris Declaration with exhibits, all of which were appended to the Joint Opposition, were filed on May 11, 2023, making it impossible for HMIT to conduct discovery on any basis other than on an expedited basis.

5. Alternatively, if such a setting on Friday, May 26, 2023, is not possible, HMIT requests that the Motion for Expedited Discovery be scheduled for an expedited hearing on the Court's earliest available date, and that an appropriate response deadline also be established. HMIT requests a 45-minute hearing.

WHEREFORE, Hunter Mountain Investment Trust, as Applicant, respectfully requests this Court (i) grant this Application for Expedited Hearing, (ii) set an expedited hearing on the Motion for Expedited Discovery on Friday, May 26, 2023 or within two (2) days of the filing of this Application for Expedited Hearing, and also establish an appropriate response deadline; (iii) in the event such a setting is not possible, and in the alternative, set an expedited hearing on the Motion for Expedited Discovery on the Court's earliest available date and time thereafter, and otherwise set an appropriate response deadline before the scheduled hearing, and (iv) grant such other and further relief as is just and proper.

DATED: May 24, 2023

Respectfully Submitted,

**PARSONS MCENTIRE MCCLEARY
PLLC**

By: /s/ Sawnie A. McEntire

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CERTIFICATE OF CONFERENCE

On May 24, 2023, counsel for HMIT and counsel for all Respondents conferred during a conference call regarding the substance of this Application. Counsel for all Respondents, James P. Seery, Jr., Highland Capital Management, L.P., Highland Claimant Trust, Farallon Capital Management, L.L.C., Stonehill Capital Management LLC, Jessup Holdings LLC, and Muck Holdings, LLC indicated they are not opposed to an expedited hearing on the underlying Motion for Expedited Discovery. However, various Respondents do object to the underlying Motion for Expedited Discovery as reflected in the certificate of conference reflected in that motion.

/s/ Sawnie A. McEntire

Sawnie A. McEntire

CERTIFICATE OF SERVICE

I certify that on the 24th day of May 2023, a true and correct copy of the foregoing Motion was served on all counsel of record or, as appropriate, on the Respondents directly.

/s/ Sawnie A. McEntire

Sawnie A. McEntire